IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 24893 of 2000(L)

PETITIONER:

S.GOURI, W/O. SUBRAMONIAN,
AGED 55 YEARS, MARIAMMAN KOVIL STREET,
MELAMURI, PALAKKAD – 12.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:
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1. **THE SECRETARY TO GOVERNMENT,**
   GENERAL EDUCATION DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD.**

3. **THE ACCOUNTANT GENERAL (A&E) KERALA,**
   TRIVANDRUM.

4. **THE DEPUTY DIRECTOR OF EDUCATION, PALAKKAD.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.41993/2000 IN OP. NO.24893/2000

DISMISSED

06.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE G.O.(P) NO.399/(178)/99 /FIN. OF THE GOVERNMENT DT. 5.2.99.

EXT.P2:- COPY OF THE G.O.(M,S) NO. 1333/99/FIN. OF THE GOVERNMENT DT. 30.4.99.

EXT.P3:- COPY OF THE G.O.(P) NO.1503/(180)/99/FIN. OF THE GOVERNMENT DT.22.6.99.

EXT.P4:- COPY OF THE CIRCULAR NO.2/96/G.EDN. OF THE GOVERNMENT DT. 28.3.96.

EXT.P5:- COPY OF THE FORM OF OPTION OF THE PETITIONER DT. 17.3.99.

EXT.P6:- COPY OF THE -DO- -DO- DT. 17.3.99.

EXT.P7:- COPY OF THE ORDER NO.2600/B4/99 OF THE 2ND RESPONDENT DT. 20.3.99.

EXT.P8:- COPY OF THE ORDER NO.D1/9030/2000 OF THE 4TH RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.24893 of 2000

Dated this the 6th day of June, 2007

JUDGMENT

The issue raised in this writ petition pertains to the option exercised by the writ petitioner on the basis of Ext.P1 government order dated 5-2-1999. In several writ petitions this court has held that the option exercised by the incumbent on the basis of the instructions in the said government order shall not be interfered with and that the option thus exercised will be treated as valid. One such judgment is dated 11-3-2002 in O.P.No.20280/2001. The monetary benefits, it is now settled law, should be from the date of effect of the reoption and not from the date of making the reoption, in view of the decision reported in State of Kerala v. Lissy Joseph, 2005(4) KLT SN 97. For parity of reasons this writ petition is disposed of quashing the impugned orders and declaring that the petitioner shall be permitted to have validly exercised the option on the basis of Ext.P1 government order.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.24893/2000

JUDGMENT

6th June, 2007